

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

VINCENT P. MONA,

Plaintiff,

v.

DAVID F. MCKAY,

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil No. PJM 21-1017

**ORDER**

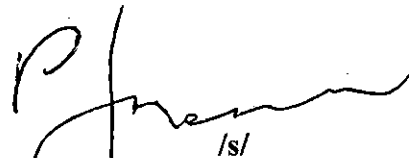
For the reasons stated on the record at the telephone conference held with counsel on August 31, 2023, it is, this 1st day of September, 2023,

**ORDERED**

1. Defendant's Motion for Summary Judgment is **DENIED**.
2. Within **ten (10) days** of the date of this Order, Defendant shall produce all documents and communications, dated between April 30, 2021 and November 9, 2021, that were (1) sent by McKay or McKay's counsel to ArchKey, or ArchKey's employees or representatives, including ArchKey's Counsel; (2) sent to McKay or McKay's counsel from ArchKey, or ArchKey's employees or representatives, including ArchKey's Counsel; and (3) any other documents or communications, not otherwise covered by (1) and (2) between McKay's counsel and ArchKey or ArchKey's employees or representatives, including ArchKey's Counsel, in any way pertaining to McKay; **PROVIDED** that within **ten (10) days** of this Order, McKay's counsel may attempt to assert a privilege as to any of the foregoing documents or communications by providing

a privilege log to Plaintiff's counsel and a copy to the Court. The privilege log shall specifically indicate the nature of the document or communication as to which a privilege is claimed, its date, who sent and who received the document or communication, and the general tenor of the document or communication. Plaintiff will then have **ten (10) days** from the date the privilege log is submitted to challenge any claimed privilege.

3. Apart from any claim of privilege, defense counsel shall also, within **ten (10) days**, submit to the Court and Plaintiff's counsel a brief setting forth legal authority for the proposition that a common interest agreement with a third party may take precedence over any duty of loyalty that a current or former employee owes to his current or former employer.
4. Defendant's request for additional depositions of Cap Mona or Mark Mona is **DENIED**.
5. Counsel shall have **twenty (20) days** from the date of this Order to file motions in limine, **twenty (20) days** thereafter to oppose any such motions, and **ten (10) days** thereafter to reply to any oppositions filed. The Court will rule on the motions in limine at the Pretrial Conference set for October 25, 2023.



---

**PETER J. MESSITTE**  
**UNITED STATES DISTRICT JUDGE**